

**STATE OF MICHIGAN
IN THE COURT OF CLAIMS**

ROSS BARRANCO & KATHLEEN SHIER,

Plaintiffs,

Case No. 22-000091-MZ

v.

Hon. Brock A. Swartzle

UNIVERSITY OF MICHIGAN BOARD OF
REGENTS, a State Funded University,

Defendant.

Dave Peters (P48648)
Pacific Justice Institute
PO Box 51787
Livonia, MI 48151-1787
(734) 732-4050 / (916) 857-6900
dpeters@pji.org

Counsel for Plaintiffs

Stephen Cowen (P82688)
Amanda Rice (P80460)
Andrew Clopton (P80315)
JONES DAY
150 West Jefferson Avenue, Suite 2100
Detroit, MI 48226-4438
(313) 230-7954
scowen@jonesday.com

Matt Papez (*pro hac vice*)
JONES DAY
51 Louisiana Ave NW
Washington, DC 20001
(202) 879-3881
mpapez@jonesday.com

Counsel for Defendant

NOTICE REGARDING CHANGE IN POLICY

The University hereby gives notice to the Court that in light of developing epidemiological and other factual circumstances,¹ effective April 27, 2023, it has changed its Transplant Center COVID-19 Vaccination Requirement for Adult Transplant Candidates. Relevant to this litigation, COVID-19 vaccination will no longer be required prior to wait-listing of potential adult solid organ

¹ *Cf.*, e.g., Dep't of Health & Hum. Servs., *Fact Sheet: COVID-19 Public Health Emergency Transition Roadmap*, <https://bit.ly/3VfevBf> (last accessed Apr. 27, 2023).

transplant recipients. It is the University's position that this voluntary change in its policy renders this litigation moot. The University will meet and confer with Plaintiffs and, if necessary, file a motion on that subject in due course.²

Andrew J. Clopton

Andrew J. Clopton (P80315)

Counsel for Defendant

² On April 27, 2023, Defendant's Counsel provided email notice regarding the policy change to Plaintiffs' Counsel and requested a call discuss the same. To date, Plaintiffs' Counsel has not responded to that email.

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2023, I caused the foregoing document to be filed with the Clerk of the Court using the MiFile electronic filing system, which will effectuate service upon all counsel of record.

/s/ Andrew J. Clopton

Andrew J. Clopton

JONES DAY

150 West Jefferson, Suite 2100

Detroit, Michigan 48226-4438

Tel. (313) 733-3939

aclopton@jonesday.com

Counsel for Defendant